



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/458,922	12/10/1999	MOHAMMAD PEYRAVIAN	P-4541.003	9481
24112	7590	07/14/2006	EXAMINER	
COATS & BENNETT, PLLC P O BOX 5 RALEIGH, NC 27602			DADA, BEEMNET W	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/458,922
Filing Date: December 10, 1999
Appellant(s): PEYRAVIAN ET AL.

Stephen A. Herrera
Reg No. 47,642
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 30, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Prior Art of Record

US 6,393,566 Levine 05-21-2002

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. Claims 13-18 are rejected under 35 U.S.C. 102(e) as being anticipated by Levine US Patent 6,393,566 B1.

2. As per claim 13, Levine teaches a method for time stamping a document (see abstract) comprising:

creating a time stamp receipt including identifying data associated with said document and a time indication [column 6, lines 10-24];

transmitting said time stamp receipt to an outside agency [column 6, lines 25-32 and column 6, lines 65-column 7, line 1];

cryptographically binding (i.e., creating a hash function of the message time-stamp) at said outside agency said identifying data and said time indication [column 6, lines 30-52 and column 7, line 1-14].

3. As per claims 14-16, Levine further teaches the identifying data comprises a digital representation of at least a portion of said document (i.e., hash value) [column 5, lines 45-46 and column 7, lines 15-25].

4. As per claims 17-18, Levine further teaches the time stamp receipt further includes an identification number associated with the document originator [column 6, lines 12-22].

Allowable Subject Matter

5. Claim 1-12 and 19-30 are allowed.

(10) Response to Argument

Appellant argued that, In Levine, the data that is transmitted to the authenticating agency does not include a time indication. The time indication is added by the authentication agency, and therefore necessarily cannot occur after the document is transmitted to the authenticating agency.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., data that is transmitted to the authentication agency) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner would point out that the term "outside agency" in the claims is not defined in the specification. It is interpreted by the examiner that a device that is isolated from (outside of) a second device meets the requirement of an outside agency. In this case, the public machine [figure 1, unit 10] of Levine is separated by a network from the private machine [see figure 1, units 13], therefore, the private machine is equivalent to the outside agency of claim 13. Examiner would further point out that, Levine teaches adding a time-stamp to the document in the public machine and transmitting the document to the private machine (i.e., outside agency) [column 6, lines 15-37].

Appellant further argued that Levine does not teach transmitting a time stamp receipt that includes both identifying data and a time indication to an outside agency.

Examiner would point out that, Levine teaches a public machine that creates a time stamp receipt of a document (i.e., a process number is assigned and a time-stamp is applied to

the document) [see column 6, lines 9-24]. Levine further teaches transmitting the time-stamped document to a private machine (a network link between the private machine and the public machine gets opened and a hash code of the time-stamped message is computed by the private machine, which inherently implies the time-stamped message is transferred to the private machine to perform the digital signature) [column 6, lines 22-38 and column 2, lines 17-27]. Levine teaches creating the **hash code** of the message and the time stamp (i.e., cryptographically binding) at the private machine [column 6, lines 29-42].

Appellant further argued that, the Examiner modifies the network structure of the authentication agency such that it is rendered unusable for its intended purpose. Appellant further indicated that, Levine requires the public machine to be located at the authenticating agency for the method to operate as disclosed, Levine situates both the public machine and the private machine within the realm of the authenticating agency, and information transmitted between these machines is therefore transmitted within the authentication agency.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., transmitting information within the authentication agency) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Examiner would point out that, as indicated above, the private machine is interpreted by the examiner as the outside agency since it is physically isolated from the public machine [see figure 1].

Appellant further argued that the private machine referred to by the examiner is part of the authenticating agency.

Examiner would point out that, the authentication machine of Levine is divided into a public machine and a private machine, where the public machine and the private machine are separated with a network [see figure 1], and since the private machine is physically separated from the public machine, it is interpreted by the examiner as an outside agency as indicated above.

(11) Related Proceeding(s) Appendix


No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

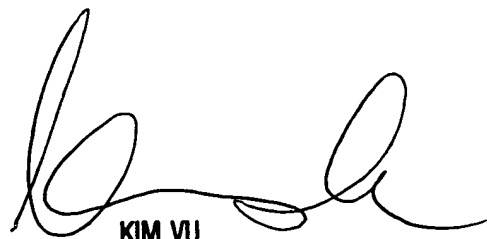
Respectfully submitted,

Beemnet Dada 

Conferees:

Kim Vu 


Zand Kambiz


KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100